

Application Number 09/761,795  
Amendment dated 24 July 2006  
Reply to Office Action of 27 February 2006

**Remarks**

Applicants have cancelled Claims 1–29, 31 and 33–36, and have added new Claims 37–58. Therefore, Claims 37–58 remain pending in the Application. Claims 37, 45 and 52 are independent.

**Interview Summary.**

Applicants thank the Examiner for conducting a personal interview in this Application on 28 March 2006. The following summarizes the substance of the interview, in accordance with the guidelines provided by MPEP 713.04.

- (A) No exhibits were shown. A demonstration of Applicants' medical data distribution system was conducted.
- (B) Applicants' proposed new claim, presented herein as new Claim 37, was discussed.
- (C) The teachings of U.S. Patent 6,241,668 ("Herzog"), U.S. Patent 5,909,551 ("Tahara"), and U.S. Patent 6,564,256 ("Tanaka") were discussed.
- (D) The principal proposed amendments of a substantive nature are presented herein as new Claim 37.
- (E) Applicants explained why the combination of features recited in Applicants' proposed new claim, presented herein as new Claim 37, are novel and nonobvious in view of the cited references.
- (F) No other pertinent matters were discussed.
- (G) Applicants and Examiner agreed that Applicants' proposed new claim, presented herein as new Claim 37, would be allowable over the art currently of record in this application.

**Claim Rejections Under 35 U.S.C. § 103(a).**

Claims 1, 2, 7–11, 13–15, 17–21, 23, 25, 34 and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,241,668 ("Herzog") in view of U.S. Patent 5,909,551 ("Tahara"). Claims 1, 2, 7–11, 13–15, 17–21, 23, 25, 34 and 35

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have been cancelled, and Applicants therefore respectfully request that these rejections be withdrawn.

Claims 3 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Herzog in view of Tahara and U.S. Patent 5,272,625 ("Nishihara"). Claims 3 and 4 have been cancelled, and Applicants therefore respectfully request that these rejections be withdrawn.

Claims 5 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Herzog in view of U.S. Patent Application Publication 2004/0078236 ("Stoodley"). Claims 5 and 16 have been cancelled, and Applicants therefore respectfully request that these rejections be withdrawn.

Claims 6, 12, 22, 26–29, 31, 33 and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Herzog in view of U.S. Patent 6,564,256 ("Tanaka"). Claims 6, 12, 22, 26–29, 31, 33 and 36 have been cancelled, and Applicants therefore respectfully request that these rejections be withdrawn.

Claim 24 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Herzog in view of Tahara and Stoodley. Claim 24 has been cancelled, and Applicants therefore respectfully request that this rejections be withdrawn.

#### **New Claims 37–58.**

New Claims 37–58 have been added. Claims 37, 45 and 52 are independent. As discussed during the personal interview conducted on 28 March 2006, the new claims presented herein recite a combination of features that are distinguishable over the art currently of record in this Application. Specifically, the cited references describe systems that do not include all of the features of the claimed inventions, and/or that perform completely different functions as compared to the claimed inventions.

For example, Herzog describes a system for capturing processing and storing medical image data (see Herzog at 1:5–10). Herzog discloses that medical image data acquired by a diagnostic station can be recorded onto a compact disc using a compact disc writer (see Herzog at 3:43–49), but contains no disclosure of, for example, "a configuration data module configured to allow a user to input identifying information

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related to the selected medical image data", wherein a "label containing the identifying information" is "automatically printed and applied to the data storage medium", as is recited in independent Claim 37. Herzog also contains no disclosure of either "a search module configured to search the database for related medical image data that is related to the selected medical image data", as is recited in independent Claim 45, or a corresponding method recited in independent Claim 52. Tahara discloses an interactive multimedia information recording system (see Tahara at 1:8-11), and thus it would not be obvious to combine such a system with the medical image recording system disclosed in Herzog. Moreover, Tahara does not address the deficiencies of Herzog with respect to the pending claims, examples of which are provided above.

The Examiner relies on Nishihara for its asserted teaching of "a system for receiving the image data and associated labels and for storing the image data and associated label on a file". The Examiner relies on Stoodley for its asserted teaching of "creating audit information", and relies on Tanaka for its asserted teaching of "retrieving and transmitting a plurality of medical image sets to a plurality of user terminal [sic]." Even assuming that these assertions are accurate, Applicants respectfully submit that these references do not remedy the deficiencies of Herzog and/or Tahara with respect to the pending claims.

#### **Conclusion.**

Applicants respectfully submit that the claims are in condition for allowance. Furthermore, any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on that portion; rather, patentability must rest on each claim taken as a whole. Applicants respectfully traverse each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Although new claims have been presented, no acquiescence or estoppel is or should be implied thereby; these new claims are presented only to expedite prosecution of the present application, and are without prejudice to the presentation or assertion, in the future, of

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claims relating to the same or similar subject matter. If some issue remains that the Examiner feels can be addressed by an Examiner's Amendment, the Examiner is cordially invited to call the undersigned for authorization.

Respectfully submitted,

KNOBBE MARTENS OLSON & BEAR LLP

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By: Kyle P. Schlueter  
Kyle P. Schlueter  
Registration No. 54,912  
Attorney of Record  
Customer No. 20,995  
(310) 551-3450

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